

Pra titi ner's D k t N . A31-2047RE

**PATENT**

JC813 U.S. PRO  
09/707445  
11/06/00

**REISSUE APPLICATION BY ASSIGNEE, OFFER TO SURRENDER**  
(37 C.F.R. § 1.178)

**To the Assistant Commissioner for Patents:**

The undersigned makes this statement as part of the accompanying reissue application for the reissue of letters patent number 5,540,706, for an improvement in SURGICAL INSTRUMENT,

granted on July 30, 1996, to Aust et al. and declares that

☐ he ☐ she ☒ it

is now owner by assignment of the entire interest in said original patent and hereby offers to surrender said letters patent.

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***  
(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 11-6-00, in an envelope as "Express Mail, Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number EF163919720US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Teresa Ragone

(type or print name of person mailing paper)

Teresa Ragone

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by Assignee, Offer to Surrender (37 C.F.R. § 1.178) [17-3]—pag 1 of 2)

**STATEMENT BY ASSIGNEE**

Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

U.S. Patent Application Serial No. 08/008,670 filed January 25, 1993 and issued July 30, 1996 as U.S. Patent No. 5,540,706 was assigned to Endius Incorporated by an assignment recorded on December 3, 1999 at Reel/Frame 010437/0859

Date: 10/31/00

Gene P. DiPoto

Endius Incorporated

(type or print name of assignee)

Gene P. DiPoto

Signature

(type or print name of signatory and title if signing on behalf of an entity)

NOTE: This form may be used when the inventor is dead. It may also be used, with appropriate changes, when the reissue application does not seek to enlarge the claims of the original patent.

EXPRESS MAIL LABEL NO. EF163919720US

(Reissue Application by Assignee, Offer to Surrender (37 C.F.R. § 1.178) [17-3]—page 2 of 2)

Practitioner's Checklist N . A31-2047RE

**PATENT**

**ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION**

*NOTE: The written assent of all assignees, if any, owning an undivided interest in the original patent must be included in the application for reissue. 37 C.F.R. 1.172(a).*

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Gilbert M. Aust and Timothy E. Taylor  
Name of Patentee

5,540,706  
Patent Number

July 30, 1996  
Date Patent Issued

SURGICAL INSTRUMENT  
Title of Invention

I am an assignee owning

- ☒ an undivided interest to the above original patent.  
☐ a \_\_\_\_\_% (per cent) interest in the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. § 3.73(b) — Establishing Right of Assignee to Take Action."

Endius Incorporated  
Name of assignee

Gene P. DiPoto  
Signature of person signing for assignee

Date: 10/31/00

Gene P. DiPoto, Vice President  
(type or print name and title of person signing for assignee)

EXPRESS MAIL LABEL NO. EF163919720US

Assent by Assignee for Filing of Reissue Application [17-8]

00001-24/0/50

JCE13 U.S. PRO  
09/707445

Practitioner's Docket N . A31-2047RE

**PATENT**

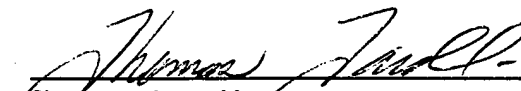
**REQUEST FOR TRANSFER OF DRAWINGS FROM ORIGINAL PATENT  
TO REISSUE APPLICATION**

Please transfer the drawings from original patent, 5,540,706, filed on  
July 30, 1996, for the invention entitled SURGICAL INSTRUMENT

to the reissue application, the specification of which:

☒ is attached hereto.

☐ was filed on \_\_\_\_\_, as reissue application number /

  
\_\_\_\_\_  
Signature of practitioner

Date:

Thomas L. Tarolli  
(type or print name of practitioner)

Reg. No.: 20,177

Tarolli, Sundheim, Covell, Tummino & Szabo L.L.

1111 Leader Building

526 Superior Avenue

Tel. No. (216) 621-2234 Cleveland, Ohio 44114-1400

Customer No.: \_\_\_\_\_

EXPRESS MAIL LABEL NO. EF163919720US

Request for Transfer of Drawings from Original Patent to Reissue Application [17-9]